

JUVENILE OFFENDER REENTRY

Findings and Recommendations

COMMUNITY & FAMILY

Finding #1 – Confinement may negatively impact the juvenile’s relationships with family, community, and pro-social peers.

There are two keys to successful reentry: resiliency factors and maintaining connections with loved ones. Communication with family members can increase successful reentry by as much as 20%. Family members should be able to maintain communication with the juvenile during their time of commitment without unnecessary bureaucratic constraints. Positive communication and connections with family and the community allow effective supports to be maintained, thus providing the juvenile with a greater chance of successful reentry.

It is often difficult for juveniles to maintain relationships with their families because the juvenile may be placed in a correctional center a long distance from their homes. For example, the family of a juvenile placed in the Culpeper Correctional Center may have to contend with a lack of public transportation, as well as restrictions on visitation. These challenges make it difficult for families and juveniles to maintain connections. To address this issue, in September 2010, the Department of Juvenile Justice (DJJ) began a pilot Video Visitation Program titled “Family Link.” The purpose of Family Link is to enable residents and their family members to visit via video in collaborative sites operated by DJJ and non-profit agencies. This contact will augment and support the DJJ visitation program, while fostering a stronger family connection and enhancing reentry initiatives.

Another barrier identified by the Study Subcommittee is visitation guidelines not being consistently applied. Identification requirements for family visitation are not always communicated in advance. Additionally, the guidelines may not always be applied consistently because exceptions are sometimes made. In some instances, people have counterfeited clergy certifications to gain access, so pastors need to be prepared to present proper identification. Conversely, officials in the juvenile justice system may feel that the family, while visiting, sabotages the progress made by the juvenile while in custody. Finally, even though DJJ makes an effort to involve family members, a number of juveniles have families who do not want to be involved. Without family involvement, there are significant limitations on what can be done to further terms of effective reentry.

Recommendations

1. Request DJJ review the Juvenile Correctional Centers’ (JCCs) visitation guidelines to ensure that they are applied consistently. Request DJJ create a handbook to ensure that visitation guidelines and identification requirements are shared with the juvenile’s family/caregivers in the mailed orientation package.
2. Request DJJ continue to allow programs such as the “Family Link” Video Visitation Program to go statewide by using community and faith-based partnerships. A report shall be provided to the Commission on Youth prior to the 2012 General Assembly Session.
3. Request DJJ review the JCC visitation guidelines to include specific parameters for the (i) identification and (ii) assessment for suitability of non-immediate family members and special visitors (e.g., coaches, neighbors, and family friends) to ensure that individuals who have served, or will serve as a positive support or role models to the juvenile during the time of commitment and upon reentry to the community, are approved for visitation at the JCC.

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Finding #2 – After commitment, juveniles may be returning to disadvantaged and socially disorganized neighborhoods, increasing the risk of recidivism.

There are few community partnerships and informal support networks for juveniles returning to their communities. Effective community supports are critical to helping juveniles successfully reenter into their communities. Maintaining community ties and building a reentry plan for juveniles while they are confined are difficult due to physical distance between their home community and the facility where the youth is confined. Accordingly, there is a critical need for coordinated programs in order to reduce the risk of recidivism.

The Study Subcommittee noted that mentoring can directly address the lack of community supports and negative influences. The very presence of a mentor in a youth's life can help to reduce isolation and provide needed supervision and support. A positive adult role model offers new perspectives to a juvenile who may lack positive, long-term adult relationships. Mentoring strengthens the likelihood that juveniles can overcome barriers that may otherwise prevent them from leading healthy and productive lives. Positive peer mentoring improves the outcomes of recidivism. Universities can play a major role and provide a valuable resource to juvenile offenders and their families. A service learning component could be developed which would enable university students to model behavior to help juveniles learn how to be successful in their communities.

Another best-practice identified by the Study Subcommittee is the mapping of community services. The Urban Institute's Reentry Mapping Network is a community-based mapping partnership which collects and analyzes local data related to incarceration, reentry and community well-being. Mapping helps youth and adults identify resources and opportunities that exist in their community. For example, older juveniles may not have housing available to them after their release and have no remaining ties to family and friends on the outside. Mapping the locations of shelters, halfway houses, and other affordable housing in relation to where juveniles return can illustrate gaps in services and provide guidance in choosing appropriate housing options. Mapping can also identify assets in the community as well as help identify employment options. An example of mapping is the National Reinvestment Project in Brooklyn, which identifies "million dollar blocks" and makes prevention investments in these blocks by identifying productive services. TANF funding is a possible funding source for this initiative because it connects vulnerable citizens to existing community-based services. Representatives from the Administration indicated that they are investigating the mapping of community services as part of the implementation of Virginia's Second Chance Grant award.

Recommendations

- 1. Request DJJ, in conjunction with appropriate mentoring partnerships where feasible, incorporate in the development of a juvenile's reentry plan a mentoring component for the purpose of assessing whether the juvenile is appropriate to participate in a mentoring program. Virginia's universities, colleges, and community college systems shall be included as a resource in this effort.**
- 2. Support the Workforce Investment Boards (WIB) and WIB's Youth Councils efforts in completing the Youth Mapping of community services and request they share mapping information once completed with the Virginia's Prisoner and Juvenile Offender Reentry's Council.**

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3. **Request that the Secretary of Health and Human Resources investigate expanding Virginia 2-1-1 in the development of a reentry mapping network for Virginia. Other public and privately-operated information and referral systems, such as Virginiahousingsearch.com and socialserve.org, will be asked to participate in this effort.**

Finding #3 – There is a lack of community options for gradual release to the community for juvenile offenders.

Community reintegration strategies may be incorporated for the juvenile through home visits or gradual release, and intensive aftercare services. Budget cuts, however, have had a tremendous impact upon crime control funds and graduated release programs. DJJ operates two halfway houses (Abraxas House and Hampton Place) designed to provide transitional skills to juveniles leaving DJJ's correctional centers. Abraxas House serves as a transitional home for sex offenders. Each halfway house program, serving approximately 10 youth, is designed to take advantage of the unique resources available in its community to meet the needs of the residents. The six-month program seeks to provide additional skills to promote a continued positive adjustment and reduce the risk of recidivism. DJJ begins to assess community services at the beginning of the commitment process but this can be difficult, especially for juveniles previously served in foster care, because juveniles are no longer in foster care once they are in the custody of DJJ.

Virginia's Post Dispositional (Post-D) programs are also extremely effective. These are locally-administered and entirely funded with local funds. The Post-D Program is a long-term program (up to six months) which allows juveniles between the ages of 14 to 17 to serve their sentence in their local detention center while receiving local treatment services designed to address the reason for court involvement. This program of local confinement, treatment services, and release plans increases the juvenile's awareness of the consequences of delinquent activity; balances the community's needs with the resident's future involvement with the resident court system; and reduces the percentage of residents with juvenile court records from entering the adult correctional system. Detention Superintendents authorize work release for juveniles in detention/Post-D programs. However, in light of recent the budget cuts, detention homes have experienced, additional resources will be needed to expand these programs.

Recommendations

1. **Request the Secretary of Public Safety recommend including a gradual release component in the Virginia's Prisoner and Juvenile Offender Reentry's Council long-term strategic plan which is to be submitted to the Governor. Such a component will include an assessment for qualifying juveniles and will allow qualifying juveniles to step-down to graduated programs 30 to 60 days prior to their release. The component will also enable DJJ to establish partnerships with private and/or public providers to offer identified step-down services to qualifying juveniles.**
2. **Request the Governor include funding in the FY2012 budget for additional transitional living and halfway houses for juvenile offenders.**
3. **Introduce a budget amendment to fund additional transitional living and halfway houses for juvenile offenders.**
4. **Introduce a budget amendment to provide state funding for locally-administered Post-D programs.**

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Finding #4 – Juvenile offenders returning to their home communities may be prohibited from living with their families if their families are residing in public housing.

As discussed by the Virginia's Prisoner and Juvenile Offender Reentry Council, federal law requires criminal background checks to be done on adult household members applying to live in public housing. These federal requirements may restrict offenders with certain convictions. However, this may also be a barrier to juveniles returning home after commitment to DJJ. Because federal law gives local public housing agencies liberal discretion to deny housing to individuals with certain criminal backgrounds, landlords are allowed to screen and deny housing based on past criminal convictions. While this may be appropriate for drug offenses or if the crime was physical or violent nature, juveniles without an adult convictions should be permitted to reside in public housing. Local housing authorities may also be interpreting juvenile adjudications similarly to adult criminal convictions.

Recommendations

1. **Request the Virginia Housing Commission, with assistance from the Office of the Attorney General and in conjunction with the Commission on Youth, assess local housing authorities' application of laws pertaining to criminal background checks to determine their impact upon juveniles returning to their communities and whether current practices need to be modified. Strategies, such as an education component of the importance of reentry of juveniles returning to their communities and the differences in juvenile and adult offenders should be developed to share with local housing authorities. This information would be shared with the Governor's Prisoner and Juvenile Offender Reentry Council.**
2. **Introduce legislation to prohibit local housing authorities from applying eviction restrictions for "juvenile adjudications." Such legislation would apply only to those juveniles tried in juvenile court, those without adult convictions and permit these juveniles to reside in public housing. The legislation shall also give local housing authorities flexibility in their eviction restrictions regarding violent juvenile offenders adjudicated in juvenile court.**
3. **Request the Commission on Youth to research model programs that focus on independent living skills (such as apartment living) for older juvenile offenders. This information would be shared with the Governor's Prisoner and Juvenile Offender Reentry Council.**

EDUCATION & WORKFORCE

Finding #1 – Juveniles in the custody of the Department of Juvenile Justice (DJJ) may be encouraged to obtain a GED rather than graduate with a high school diploma.

DJJ's Reception and Diagnostic Center (RDC) receives the juvenile's academic record from the juvenile's home school at intake. RDC and Department of Correctional Education (DCE) staff review the juvenile's assessment, school record and existing educational track, along with any disciplinary activity (e.g., suspension or expulsion). The DCE strives to keep the juvenile on same educational track: (modified, standard, or special diploma), as they were prior to their commitment. However, it is not uncommon for the juvenile to be very behind in credits. In addition, older juveniles may read at an elementary grade level.

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For the juvenile seeking meaningful employment, a high school diploma, along with career training, provides for more meaningful employment opportunities than a GED.

Recommendation

Request (or support) DCE integrate the provisions set forth in the Department of Education's Academic and Career Plan (ACP) into the juveniles' educational program.

Finding #2 – Juvenile committed to the Department of Juvenile Justice may fall behind in obtaining high school credits while they are detained at the Reception and Diagnostic Center.

Juveniles detained at local detention homes receive educational services through the local school division, using the Standards of Learning (SOL) as a guide for instruction. Local educators work with the juveniles to encourage them to maintain or improve their academic standing and assist them in reintegrating into their home schools.

Local school divisions provide information to the RDC regarding the education track and academic standing of the juvenile. All juveniles committed to DJJ begin their commitment at RDC, which is a secure confinement located in Richmond. Juveniles receive medical, psychological, academic, sociological, and behavioral evaluation. At RDC, DJJ staff determines the juvenile's classification, calculates the Length of Stay, develops a treatment plan, and selects the juvenile's JCC placement.

While at RDC, the juvenile does not remain on the same educational track as established at the local detention home. Instead, the juvenile receives supplemental educational services provided by the DCE while waiting to be transferred to a JCC. Typically, a juvenile is at RDC for approximately four weeks. The juvenile's educational track for obtaining a high school diploma may be delayed while detained at RDC. Once the juvenile is placed at a JCC, their educational track (e.g., obtaining high school diploma) commences. However, the juvenile has lost valuable instructional time and has also fallen behind.

Recommendation

Request DCE study the feasibility of continuing the juvenile's education track, as established at the local juvenile detention center, at the Reception and Diagnostic Center through web-based technologies and/or other strategies that incorporate the SOLs.

Finding #3 – Transition planning for reenrolling the juvenile in school does not always occur within the regulatory timeframes; there may be a lag in transmitting the juvenile's record and in developing the juvenile's reentry plan.

Schools have 30-days notice of reenrollment. Once DJJ notifies DCE staff of a juvenile's pending release, DCE staff formulates a preliminary reenrollment plan and invites the reenrollment coordinator at the receiving school to meet. The preliminary plan is subsequently sent to the school. However, practices vary depending on how quickly the JCC staff contacts the school division and how quickly the point-person from the local school division notifies appropriate personnel within the division. Typically, DJJ, DCE and local school division staff responsible for the juvenile's reenrollment may be in a rush to get the juvenile reenrolled in school. It can be a challenge to involve all of the educational representatives in a timely fashion. DCE staff may not always be aware of the juvenile's exact release date if the juvenile

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is required to reappear before the judge. This can throw off reenrollment timeframes. It is critical that all systems work together.

Practices may vary among school divisions. However, DOE provides training and procedures for the school reenrollment coordinators, DJJ and DCE staff.

Recommendations

1. Request DOE, DJJ, and DCE conduct a survey to ascertain commonly-encountered barriers to reenrollment. Request that the identified issues and recommended solutions be shared with the Commission on Youth prior to the 2012 General Assembly Session.
2. Request DOE report school completion and dropout rates for juveniles who have been committed to DJJ or who have been sentenced to a Post-Dispositional placement.
3. Request the DOE, in conjunction with DCE, collect information on the number of juveniles who are reenrolled in local school divisions within two days of reentering into the community.

Finding #4 – Transition planning for a juvenile previously in foster care needs to begin at the time of his commitment. A juvenile returning from DJJ may have difficulty transitioning into the community because they were in foster care prior to their commitment.

DJJ no longer has custody when the juvenile is released into the community. In theory, custody reverts to the Department of Social Services (DSS) upon release if the juvenile is younger than eighteen years old. Juveniles eighteen years or older who were formerly in foster care are considered adults and are not “in” foster care (See §§63.2-100 and 63.2-900). They are, however, eligible to continue receiving independent living services as defined in §63.2-905.1 based on whether or not the locality chooses to continue serving youth over age eighteen. With the exception of room and board and foster care placement (i.e., placement in a foster home, residential or group home setting), independent living services may be paid for by federal Chafee funding (based on the availability of funds). Comprehensive Services Act funds are also available to support the provision of services to these youth, including funds to assist in room and board (or rent) depending on the policies of the local Community and Policy Management Team (CPMT). DSS does not keep the case active while the juvenile is in the custody of DJJ because DSS transfers custody of the juvenile to DJJ once the juvenile is committed.

Because of the passage of the federal *Fostering Connections to Success and Increasing Adoptions Act of 2008*, DSS and DOE formed a committee to implement the provisions of the federal law. DSS and DOE developed joint guidance on school placement for children in foster care. This guidance has been incorporated into the DSS Foster Care Manual and a DOE Superintendent’s memo to be distributed in October 2010. They also developed two forms to assist LDSS and schools to: 1) determine the school placement that is in the child’s best interest; and 2) immediately enroll the child in the school of residence for the child’s new placement, if remaining in the same school is not in the child’s best interest. This guidance will be a resource for all involved parties and is applicable to youth exiting DJJ and returning to the LDSS.

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Recommendations

1. Request DJJ, DSS, OCS, DOE, and local key stakeholders review current guidance and develop or revise guidance and procedures across state agencies to ensure that Juvenile Correctional Centers (JCC) include LDSS and the Family Assessment and Planning Teams (FAPTs) in the juvenile's reentry planning and educational transitional planning. Guidance should include the LDSS' involvement in initial case planning at the Reception and Diagnostic Center (RDC) to clarify the long-term permanency plan for the juvenile and how the JCC can support that plan throughout the juvenile's commitment to DJJ.
2. Request the DOE/DSS education committee on the federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* involve DJJ and DCE to coordinate implementation of the guidance on educational placement of youth returning from DJJ to the LDSS in DJJ discharge planning. The committee should also review DSS, DOE and DJJ Code sections, identifying inconsistencies related to the educational needs and placements of youth, and provide recommendations for legislative changes to the Commission on Youth.
3. Amend §16.1-293 of the *Code of Virginia* to require that the CSU consult with the local department of social services sixty days prior (instead of four weeks) to the person's release from commitment on parole supervision concerning return of the person to the locality and the placement of the person's terms and conditions of parole. Further, amend this section of the *Code* to require the JCC and LDSS to work collaboratively in developing a transition plan from the JCC to the LDSS.

Finding #5 – Workforce development is a key issue for a significant percentage of juveniles leaving DJJ who may be older youth or young adults.

DCE strives to prepare juveniles for school reentry and/or the workforce. DCE provides education instruction and operates youth enterprise programs, which allows juveniles gain licensure in a particular occupation. However, many juveniles struggle to find employment once they reenter their community. Statistics on the problem of recidivism in Hampton and Newport News highlight the need for workforce development:

- of 48 juveniles ages 18 or older released in 2007, 21 were reconvicted within 12 months – a 1 year reconviction rate of 43.8%; and
- of 52 juveniles ages 18 or older released in 2005, 37 were reconvicted within 36 months – a 3 year reconviction rate of 71.2%.

DJJ, in conjunction with DCE, developed the Youth Industries Program to train older, incarcerated youth who follow program requirements and who do not have behavior issues. The Youth Industries Program is a juvenile enterprise program designed to teach marketable skills and workplace behaviors to juvenile committed to DJJ. Youth Industries provides committed juveniles with work experience and encourages employment upon reentry.

Virginia's Community College System has oversight of the federal *Workforce Development Act* (WIA). WIA provides opportunities for workforce investment activities through a statewide board and 15 local workforce investment boards (WIB). Each local board has a One-Stop Career Center that assists dislocated workers. WIBs primary focus is the transitioning of laid-off employees. Juveniles being released from DJJ into the community are typically not served by their WIBs and One-Stop Centers. The WIA requirements have increased accountability and give no incentives for One-Stop Centers to serve juvenile offenders.

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However, one of Virginia's One-Stop Center, One Peninsula Worklink, is developing a program geared to juvenile offenders reentering the workforce. The Peninsula Worklink Reentry to Education and Employment Project (REEP) received a \$75,000 grant to expand staff's ability to serve reentry juveniles.

The Study Subcommittee discussed Virginia's Middle College Program, which can be effective in providing support to juvenile offenders who have dropped out of school and would like to return. This program could help juveniles transitioning from high school into community college. Five colleges participated in this program; however, budget cuts have reduced the program. Virginia needs to develop careers and lifelong learners in all of its populations.

The Study Subcommittee also noted that the Work Opportunity Tax Credit (WOTC) provides a federal tax credit incentive to private-sector businesses for hiring individuals from 12 target groups (including adult and juvenile offenders) who have consistently faced significant barriers to employment.

Recommendations

1. Amend §66-25.1 of the *Code of Virginia* to expand the membership of the Virginia Juvenile Enterprise Committee to include the Office of the Secretary of Education, Virginia Community College System, representatives from the WIA and the local WIBs, potential employers of juvenile offenders, and the Department of Correctional Education.
2. Amend §66-25.1 of the *Code of Virginia* to expand the role of the Virginia Juvenile Enterprise to include developing a plan for the creation of a network of employers willing to hire juvenile offenders reentering their communities.
3. Request the VCCS and the DCE to create educational materials to be shared with juvenile offenders about the effectiveness of Virginia's Middle College Program.
4. Support the current level of funding for Virginia's Middle College Program.
5. Request the Secretary of Public Safety, the Secretary of Commerce and Trade, and the VCCS/WIA develop a strategy to communicate with business community information about the WOTC.
6. Request DJJ investigate the feasibility, need and cost to expand the Youth Industries' programs to increase the number of juveniles participating in Career and Technical Education Programs and increase the numbers of programs offered. Request DJJ develop a Youth Industries plan that focuses on areas of professional credentials, using the Virginia Employment Commission's forecasts of future employment needs. The plan will also encourage DJJ to allow, when appropriate, youth to acquire certifications and/or licenses while under direct care to increase the likelihood of gainful employment.

Finding #6 – There is confusion about the confidentiality of juvenile records. This confusion can prevent the juvenile from obtaining employment or pursuing higher education.

There is no consistency in the purging of juvenile records. This is particularly problematic for a juvenile charged with a misdemeanor when the charge is dismissed. This action may not be reflected in the juvenile's record and can adversely impact a juvenile. There is a need to expunge records so employers cannot obtain the juvenile's prior records. These records may

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be transmitted to the Department of Motor Vehicles (DMV) when the juvenile's license is suspended. The juvenile's record "attaches" to their DMV record. However, when the juvenile returns to the community, their criminal record is still accessible. Thus, the juvenile's offense keeps them from obtaining employment or enrolling in certain community colleges. This may also impact financial aid.

There is also confusion about the check-off box on both college and employment applications and whether the juvenile is to select the juvenile check YES or NO if they were adjudicated of a felony. The Study Subcommittee asserted that there needs to be a balance between maintaining public safety and allowing the juvenile to have a second chance. Additionally, §16.1-308 of the *Code of Virginia* prohibits any state or local governmental agency from disqualifying a juvenile found guilty on a petition charging delinquency from employment.

Recommendations

1. **Request the Virginia State Crime Commission convene a workgroup of impacted agencies and stakeholders to review existing juvenile record requirements and establish guidelines for purging juvenile records after the juvenile's adjudication date. This will include establishing a process for purging juvenile records from the DMV system.**
2. **Request the VCCS transmit consistent guidelines to Virginia community colleges regarding admission policies for juvenile offenders reentering their communities.**

MENTAL HEALTH AND SUBSTANCE ABUSE

Finding #1 – In Virginia, Medicaid is terminated upon commitment, based on federal requirements prohibiting federal Medicaid funds from being used on inmates of public institutions. This provision is applied to juveniles committed to DJJ.

Virginia elects to terminate, rather than suspend, Medicaid because of the requirement that any status changes be reported. Federal rules require determination of financial eligibility for Medicaid must be made within 45 days from the date of application. Forty-five days prior to release, DJJ begins to prepare for reenrolling juveniles back into Medicaid. However, there is often a problem with redetermination because a parent or guardian must be involved in the process. Redetermination may be problematic when the parent or caregiver is not involved.

There is also variability among local DSS offices regarding Medicaid redeterminations. Some offices may not accept an application for Medicaid until the juvenile is released, whereas others do not accept the application because there is uncertainty about who can apply on behalf of the juvenile. The Department of Medical Assistance Services (DMAS) and DJJ are working to address this. The main goal of Virginia's Mental Health Transition Plan is to avoid juveniles' not receiving essential/required medications.

Foster care services terminate upon commitment, so DSS no longer has custody when a juvenile is committed to DJJ. Further, DJJ does not act as a guardian over the juvenile while in custody. This creates a problem for a juvenile who comes from DSS and, upon release, is under age 18, because the juvenile has no guardian to reapply for Medicaid on their behalf.

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DSS receives 30 days' notice prior to the juvenile's release. However, Medicaid can be applied for up to 45-days prior to the juvenile's release. Policies could be established to allow for more seamless reenrollment into Medicaid.

Recommendations

1. **Request DMAS develop a plan addressing systemic, legal, and budgetary impact of suspending, rather than terminating, Medicaid for juveniles.**
2. **Introduce a budget amendment, with necessary funding, to modify Virginia Medicaid requirements to allow for the suspension of Medicaid benefits for juveniles who are committed to DJJ.**
3. **Request that DMAS, DSS, and DJJ develop guidelines to make local DSS' reenrollment practices more consistent. Guidelines would clarify which agency is responsible for which role.**
4. **Request DJJ, in conjunction with DSS and DMAS, to implement the procedures set forth in the DSS eligibility guidance manuals to begin the process of eligibility determinations for Medicaid 45-days prior to release.**

Finding #2 – Implementing the provisions set forth in the juvenile's Mental Health Transition Plan is problematic due to gaps in available services and lack of health insurance.

The Mental Health Transition Plan is helpful; however, implementing the Plan is problematic. Frequently, the services included in the Plan do not exist in the juvenile's community. This is especially challenging in rural areas. For example, there is a shortage of child psychiatrists in Virginia. This is a huge barrier for those juveniles who must access a psychiatrist for psychotropic medication management. Released juveniles are given a 30-day supply of medication. However, they will often request refills in addition to the mandated 30-day supply, because they are unable to locate a provider or schedule an appointment.

In addition, there are differences among the 40 Community Services Boards (CSBs) services across the Commonwealth. DJJ's Court Services Units (CSUs) negotiate agreements with them. All evaluations, including mental health evaluations, take place at the RDC. The parole officer takes the juvenile's Plan and then schedules a follow-up meeting in the community to arrange for services if the juvenile has private health insurance. If the Plan indicates the juvenile needs substance abuse services and if substance abuse services are unavailable for the juvenile in the community, the juvenile usually does not receive the needed service. Thus, juveniles "fall down" when they return home because services they were receiving while in the custody of DJJ are not available to them in their communities. In addition, a large percentage of released juveniles do not fit into any mandated mental health category and are not eligible for services funded by the Comprehensive Services Act. If juvenile offenders are Medicaid-eligible, transportation to distant providers is a covered service. Telemedicine, a covered service under Medicaid, may increase access to psychiatric professionals. However, there are specific requirements which must be fulfilled in order for the service to be reimbursed. Juveniles without health insurance have no money to pay for services. For juveniles ages 18-21, the primary problem is access. Juveniles without health insurance have no choice but to use the emergency room instead a private physician. They may then accumulate debt from incurred emergency room and ambulance costs.

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The Study Subcommittee asserted that services should be linked both upon release from a facility and upon release from parole. The youth or family might not always have the appropriate skills and resources to make this happen.

Recommendations

1. Request the Office of Comprehensive Services for At-Risk Youth and Families examine the feasibility and cost of including juvenile offenders with mental health needs as a mandated population under the Comprehensive Services Act.
2. Request the Secretary of Health and Human Services establish guidelines to encourage the use of telemedicine in Virginia localities not having psychiatric services.

SPECIAL POPULATIONS

Finding #1 – There are not enough independent living options for older juveniles (ages 18-21). Services may not be available for older juveniles who are released. The need for permanency planning applies to all youth, including older ones.

Independent living programs may be an option for juveniles ages 18-21 who are being released from DJJ and who were receiving foster care services from DSS at the time of commitment. However, these juveniles must reapply to DSS to receive foster care services in order to be eligible for independent living services. Additionally, independent living services provided by DSS are not available to juveniles over the age of 18 who were not previously served in foster care. Regardless of eligibility for foster care or independent living, private providers may not allow adjudicated juveniles into their independent living facility or group homes. Families may “wash their hands” of the juvenile. As a result, the juvenile may not have access to housing when released from DJJ. Frequently, these youth have developmental concerns but they are expected to be autonomous.

This is particularly an issue for juveniles committed with a blended (juvenile/adult) sentence. Often, a juvenile is over 18 and, while they are on juvenile parole, they are unable to obtain needed services (i.e., they age out of group homes and are no longer eligible for other services). There can be a lack of family/community ties for older youth with histories of out-of-home placements.

Recommendations

1. Request DSS investigate whether policy guidance is needed to involve local departments of social services in DJJ’s transition planning process for juveniles who were previously served in foster care or for older juveniles whose parents have “disappeared” and may be eligible to receive foster care services.
2. Request the State Executive Council research whether foster care prevention services through the Comprehensive Services Act can be accessed for juveniles returning to their families to assist in their reunification.
3. Request DSS review independent living programs and develop permanency options for older juveniles (ages 18-21) who were previously served in foster care.

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Finding #2 – “One size fits all” programming is not appropriate to this population. For example, most programs have been validated on male populations. There is a question about their appropriateness for females.

Involvement in the juvenile justice system for females creates additional psychosocial, economic and other cumulative effects. Females also lose their status in the family. There is a need to do something differently. Females receive other “invisible punishments.”

Existing treatment programs are not gender-specific. Female offenders have more internalizing symptoms whereas males have more externalizing symptoms and delinquency. Coping skills for these special populations are not tailored to the gender of the juvenile offenders. Females may require programs and treatments for depression, whereas males typically require conflict resolution.

DJJ offers gender specific programs. Bon Air Juvenile Correctional Center houses all of female offenders. At the Reception and Diagnostic Center, DJJ provides medical, psychological, academic, sociological and behavioral evaluation, classification, calculation of the Length of Stay, treatment planning, and placement. If DJJ finds that the juvenile has been previously abused, they report those findings to Child Protection Services (CPS). DJJ will not return the juvenile to an abusive home.

Female offenders typically have longer lengths of stay because they tend to be more serious offenders. In addition, their treatment plan requires more services within the JCC. It would be helpful to have a resource guide for these juveniles and their families.

Recommendation

Request DJJ create a resource guide for juveniles and their families which identifies successful programs which are gender-specific and involve the entire family.

Finding #3 – A number of the juvenile offenders committed to DJJ are parents. There is a small percentage of female offenders who are mothers and require unique services.

The female population at DJJ is small. In 2008, 60 females were committed to DJJ. As of this meeting, only 25 female offenders were at a JCC. Research shows that 40-60% of the mothers of juvenile offenders have also been incarcerated. DJJ offers motherhood programs such as Baby Think it Over. DJJ coordinates with the family to ensure that the child has childcare and the juvenile mother has an opportunity to visit with her child.

Recommendation

Support DJJ’s current program activities that provide services to committed youth who are parents and DJJ’s efforts to address generational issues which impact incarcerated parents, particularly mothers and their daughters.

Finding #4 – Juveniles are frequently released to grandparents or extended family members.

Complexity of the family adds to the difficulty of transition. Grandparents may not have the skills to handle a teenager and may be ill-equipped to care for a juvenile offender with identified mental health, behavioral, developmental or substance abuse issues. There is also a unique dynamic in that the family and the grandparents may have witnessed intergenerational cycles of incarceration.

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Recommendation

Request the Special Advisory to the Governor on Children's Services study the feasibility of providing community supports to kinship care providers of juvenile offenders in the child transformation/kinship care activities.

OVERARCHING ISSUES

Finding #1 – Multiple systems makes it very difficult to coordinate and provide services.

There are issues with regards to turf, responsibility and accountability, and resources.

Agencies who are involved in different aspects of the juvenile justice arena include the courts, DJJ, and/or local detention homes, local CSUs, DCE, DOE, local school divisions, schools, the Department of Behavioral Health and Developmental Services (DBHDS), CSBs, DSS, local social service agencies. The involvement of multiple and fragmented systems is confusing for the juvenile and his family. DJJ currently is in the process of developing a singular reentry plan for juveniles committed to the Department.

Recommendation

Support DJJ's efforts to develop and implement a singular reentry plan for the juveniles committed to the Department.

Finding #2 – There is confusion among Virginia's laws and law-related terminology.

Juveniles may not understand Virginia's laws, how they apply to them and how breaking these laws may have lasting repercussions upon their future. Juveniles may not understand that certain offenses carry certain penalties which may follow them into their adulthood. Moreover, there are multiple systems and terminology. There is confusion regarding the differences between a juvenile who has been adjudicated in juvenile court and one convicted as an adult in Circuit Court. There is also confusion about youthful offenders. Clarification about Virginia's laws and terms, as they affect juveniles, would be helpful to both juveniles and adults alike. In addition, such knowledge may be helpful to educate youth and potentially preventing criminal activities.

Recommendations

Support the Office of the Attorney General's Virginia Rules Program which educates teens about Virginia laws and how these laws impact their day-to-day lives.

Request the DJJ create a resource guide, including a web-based guide, explaining the terminology associated with the juvenile justice system in Virginia.

Comment Received by an Advisory Group Member (October 18, 2010)

Finding – Many foster youth leaving DJJ custody lack one of the most important keys to successful reentry: family support. According to DJJ data, in 2008 9.9% of youth committed to DJJ had a history of placement in a foster home and 23.2% of these youth had a history of placement in a group home. For kids under 18 who were in foster care prior to commitment, the

JUVENILE OFFENDER REENTRY

Findings and Recommendations

Code requires DJJ Court Service Units to consult with the local department of social services four weeks prior to the person's release from commitment on parole supervision concerning return of the person to the locality and the placement of the person. (§16.1-293). Reportedly, there is a lot of local variation around the extent to which local social services agencies will begin transition planning prior to release from DJJ, leaving some youth with no family support plan at the time of release. Moreover, youth who turn 18 while they are committed to DJJ do not receive notice that they are entitled to receive independent living services if they opt-in to foster care within 60 days of turning 18. If foster youth are released after 18, but prior to 21, these youth should be entitled to independent living services as part of their reentry plan if they opt-in within 60 days after the youth's release from DJJ.

Recommendations

- 1. For youth who were in foster care immediately prior to commitment to DJJ and who are under the age of 21, amend 16.1-293 to require court services units to consult with the local department of social services 90 days prior to the youth's release from commitment. (Current Code requires four weeks.) (90 days is consistent with the meeting requirement in the Mental Health Services Transition Regulations).**
- 2. For youth who were in foster care immediately prior to commitment to DJJ and who will be under the age of 18 at the time of their release, amend 16.1-293 and 63.2-906 require local social services agencies to continue with permanency planning, upon notice from court services units that the youth is returning to the locality from DJJ. (Current law requires court services units to consult with social services, but does not require social services to continue with permanency planning.)**
- 3. For youth who were in foster care immediately prior to commitment to DJJ and who will be over 18 but under 21 at the time of their release, amend 16.1-293 and 63.2-905.1 to require local social services agencies to provide independent living services to help them transition from foster care to self-sufficiency. In addition, amend 63.2-905.1 to require local social services agencies to give written notice in the youth's transition plan of the right to request restoration of independent living services BEFORE their release so that it can be in place upon release and continue the youth's right to request restoration for 60-days following the youth's release from DJJ. (Current Code requires local social services agencies to provide independent living services and written notice of right to request restoration within 60 days of turning 18, but makes no provision for providing similar services to foster youth returning from DJJ after turning 18.)**